

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division

IN RE CONSTELLATION ENERGY, INC.
ERISA LITIGATION

MASTER FILE NO.:
08-CV-2662

THIS DOCUMENT RELATES TO:

ALL ACTIONS

MOTION TO DISMISS

Defendants Constellation Energy Group, Inc., Nine Mile Point Nuclear Station, LLC, Mayo A. Shattuck III, Marcia B. Behlert, Charles A. Berardesco, Thomas F. Brady, Thomas V. Brooks, John R. Collins, Kenneth W. DeFontes, Jr., Beth S. Perlman, Jonathan W. Thayer, Marc L. Ugol and Michael J. Wallace respectfully move, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss with prejudice all of the claims in Plaintiffs' Consolidated Amended Class Action Complaint for failure to state a claim upon which relief can be granted. The grounds for this motion are set forth fully in the accompanying memorandum in support.

Dated: October 2, 2009

/s

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